IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4530 of 2005

Between:

Y.Subrahmanyeswara Rao, s/o Late Surya Rao, Principal,
Government Junior College (Boys), Kovvur, West Godavari District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, represented by its Principal Secretary, Higher Education (IE.I) Department, Secretariat, Hyderabad.
2 The Director of Intermediate Education, Nampally, Hyderabad.
3 S.Koteswara Rao, Principal, Government Junior College, Razole, East Godavari District, presently residing at 3rd Lane, Shantinagar, Eluru, West Godavari District.
4 Sri K.Subba Rao, Principal, Government Juniior College, Sitanagaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will may be pleased to issue a writ, order or direction one in the nature of Writ of Certiorari calling for records pertaining to O.A.No.170 of 2005 dated 8-2-2005 on the file of A.P. Administrative Tribunal and quash the same and further declare that proceedings issued in Rc.No.Ser.1-2/2892/2004 dated 30-12-2004 and proceedings issued in Rc.No.Ser.1-2/1821/2004 dated 29-1-2005 and further illegal, arbitrary and discriminatory violative of Articles 14 and 16 of the Constitution of India and further declare that petitioner is entitled to be posted and continue as principal, Government Junior College for Boys, Kovvur, West Godavari District.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent Nos.1 and 2: GP FOR SERVICES I
Counsel for respondents 3 and 4: None appeared.

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.170 of 2005, dated 8.2.2005.

2. The petitioner challenged the order of his transfer issued by the Government in G.O.RT.No.559, Higher Education (HE.1) Department, dated 28.8.2004. The petitioner was working as Principal, Government Junior College, Kovvur, West Godavari District. While so, he was transferred to Government Junior College, Maredumilli in East Godavari District. Aggrieved by the said transfer, he approached the Tribunal by filing the above OA., but the Tribunal refused to interfere with the order of transfer and dismissed the OA. Against the said dismissal order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the petitioner is a heart patient and it would be better if he is posted at the nearest place where he could seek hospital facilities without much problem. He also submits that there are vacancies in Rajahmandry and also in Kovvur and therefore he could be accommodated either of these places.

4. We have called for the list of vacancies in various Government Junior Colleges in Zone-II. Accordingly the learned Government Pleader for Services-I produced the letter of the Commissioner of Intermediate Education, dated 14.3.2005 showing the vacancy position in the Junior Colleges, which is extracted below:

1. Government Junior College for Boys, Tuni, East Godavari District.
2. Government Junior College, Yeleswaram, East Godavari District
3. Government Junior College, Addateegala, East Godavari District.
4. Government Junior College, Rajaommangi, East Godavari District

5. Government Junior College, Seethanagaram, East Godavari District.

6. Government Junior College, Attili, West Godavari District.

5. In view of the fact that the petitioner is a heart patient and he requires medical treatment, we find it appropriate to direct the authorities to post the petitioner to Government Junior College, Seethanagaram, East Godavari District, which appears to be nearer to Rajahmandry.

6. Under these circumstances, the Writ Petition is disposed of directing the respondents 1 and 2 to transfer the petitioner to Government Junior College, Seethanagaram, East Godavari District within a period of three (03) weeks from the date of receipt of a copy of this order. No costs.

(G.BIKSHAPATHY, J.)

17th day of March, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Government of Andhra Pradesh, represented by its Principal Secretary, Higher Education (IE.I) Department, Secretariat, Hyderabad.
2 The Director of Intermediate Education, Nampally, Hyderabad.
3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

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